

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

THOMAS WHITFIELD,

Petitioner,

CASE NO. 2:07-cv-1201

JUDGE MARBLEY

MAGISTRATE JUDGE KEMP

v.

JEFFREY WOLFE, Warden,

Respondent.

ORDER

Petitioner, a state prisoner, has filed a petition for a writ of mandamus requesting the Court to rule on his petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254. Petitioner also requests an evidentiary hearing and the appointment of counsel to represent him in these proceedings. Petitioner's requests are **DENIED**.

Petitioner is not entitled to the assistance of counsel in federal habeas corpus proceedings. *Douglas v. Maxwell*, 357 F.2d 320, 321 (6<sup>th</sup> Cir. 1966). Unless an evidentiary hearing is required, a District Court may in its discretion appoint counsel where the "interests of justice so require." *See* 18 U.S.C. 3006A(a)(2); Rule 8 of the Rules Governing Section 2254 Cases. However, at this time, it does not appear from the record either that an evidentiary hearing will be required for resolution of petitioner's claims, or that the interests of justice require the appointment of counsel on petitioner's behalf. The Court is cognizant that on February 14, 2008, respondent filed a Return of Writ, and on March 3, 2008, petitioner filed his response, and this case therefore appears ready for review. The Magistrate Judge will issue a *Report and Recommendation* recommending a disposition in

this matter in due course after review of the entire record and in as reasonably promptly a manner as possible.

Petitioner's petition for a writ of mandamus, request for an evidentiary hearing and for the appointment of counsel, Doc. No. 8, are **DENIED**.

**IT IS SO ORDERED.**

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s/algenon L. Marbley  
Algenon L. Marbley  
United States District Judge